

AI



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/883,724 | 06/18/2001 | Bruno Richard | B-4215 618883-0 | 2443 |
| 36716 | 7590 | 10/06/2005 | EXAMINER | |
| LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679 | | | KISS, ERIC B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2192 | |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,724

Applicant(s)

RICHARD ET AL.

Examiner

Eric B. Kiss

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The reply filed 18 July 2005 has been received and entered. Claims 1-9 are pending.

Response to Amendment

2. Applicant's amendments to the claims appropriately address the rejection of claims 1-9 under 35 U.S.C. §112, second paragraph. Accordingly, this rejection is withdrawn in view of Applicant's amendments.
3. Applicant's amendments to the specification address **most** of the issues with regard to the objection to the specification. The Examiner requests that Applicant amend the Abstract of the disclosure in a similar manner. Accordingly, the objection to the specification is **maintained**, but will be withdrawn upon a satisfactory amendment to the abstract consistent with the guidelines provided in the previous Office actions.

Admitted Prior Art

4. If Applicant does not seasonably traverse the well-known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, Applicant is charged with rebutting the well-known statement in the next reply after the Office action in which the well-known statement was made. This is necessary because the Examiner must be given the opportunity to provide evidence in the next Office action or explain why no evidence is required.

Art Unit: 2192

If the Examiner adds a reference to the rejection in the next action after applicant's rebuttal, the newly cited reference, if it is added merely as evidence of the prior well known statement, does not result in a new issue and thus the action can potentially be made final.

In the Office action mailed 16 January 2004, the following unchallenged statement of Official Notice was made (see p. 5):

In regard to Claim 7, the examiner takes official notice that using a Wake-on-LAN function in a PC is a well-known method of starting a client PC for the purposes of modifying client PC's in a corporate environment, since this allows client PC modification without user intervention.

This unchallenged statement is taken to be admitted prior art.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by “enFuzion 6.0 User Guide,” March 2000 (hereinafter *enF2000*).

As per claim 1, *enF2000* discloses associating an executable file from a shared resource on a network with a remote client at the direction of an administrator console on the network, the executable file being adapted for controlling a local setup procedure under the form of a low level service which is available in the operating system of the client for local background tasks

Art Unit: 2192

and routines and further being associated with a description contained within a description file present on the shared resource (see, for example, pp. 4-7); and starting said executable file so that it becomes available to said remote client as a local low level service and permits the automatic launching of a local setup procedure in accordance with the contents of said description file (see, for example, pp. 4-7).

As per claim 2, *enF2000* discloses associating an executable file from a shared resource on a LAN with a remote PC client at the direction of an administrator console on the LAN, the executable file being adapted for controlling a local setup procedure under the control of an operating system service control manager and in accordance with a description contained within a description file present on the shared resource, said executable file receiving the format of an operating system service (see, for example, pp. 4-7); and starting said executable file so that it becomes available to said PC client as an operating system service and permits the launching of a local setup procedure within said PC client in accordance with the contents of said description file (see, for example, pp. 4-7).

As per claims 3, *enF2000* further discloses said executable file having an entry point which is a service entry and which is further registered by said operating system service control manager with a command line option which refers to said description file (see, for example, pp. 4-7).

As per claim 4, *enF2000* further discloses said description file containing a list of the installation files required for a local setup procedure plus an additional line defining the command which is to be entered for executing an unattended setup procedure of said software application (see, for example, pp. 4-7).

As per claim 8, *enF2000* discloses associating an executable file from a shared resource on a network at the direction of an administrator console as an operating system service under the control of an operating system service control manager with a PC client, said executable file controlling the local setup procedure of a software application in unattended mode in accordance with a description defined by a description file present on said shared resource (see, for example, pp. 4-7); and starting said executable file as an operating system service for the purpose of launching the setup procedure within said PC client (see, for example, pp. 4-7).

As per claim 9, *enF2000* discloses associating an executable file from shared resources at the direction of an administrator console, said executable file installed as an operating system service under the control of an operating system service control manager with a PC client (see, for example, pp. 4-7); and starting said installed service for the purpose of automatically triggering the execution of said executable file (see, for example, pp. 4-7).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *enF2000* in view of US 5,742,286 (Kung et al.).

As per claim 5, *enF2000* fails to expressly disclose a GUI for providing a list of software applications and a list of clients, with a drag-and-drop mechanism for initiating a remote setup procedure. However, *Kung et al.* teaches such a GUI and corresponding functionality in a remote setup environment (see, for example, Figs. 2A-2J, and the associated text). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the process of *enF2000* to include such a GUI. One would be motivated to do so to facilitate easier management of such remote installation procedures.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *enF2000* in view of US 5,742,286 (Kung et al.) and US 5,881,236 (Dickey).

As per claim 6, *enF2000* fails to expressly disclose such prompting the user for context information along with password and ID verification. However, *Dickey* teaches such prompting and verification steps (see, for example, Figs. 3-8, and the associated text). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to further modify the process of *enF2000* to include such prompting and verification. One would be motivated to do so to provide additional security in remote installation.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *enF2000* in view of admitted prior art.

As per claim 7, although *enF2000* fails to expressly disclose such use of a wake-on-LAN function, such functionality is admitted prior art (see the discussion above under item 4). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the process of *enF2000* to include such a wake-on-LAN function as an advantageous known means of modifying a client PC.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:
571-272-2100.

EBK /EBK
October 3, 2005



TUAN DAM
SUPERVISORY PATENT EXAMINER